

### **REMARKS**

This Response is in reply to the non-Final Office Action mailed on April 5, 2005. Claim 1 has been amended to recite that the at least one arm rest has a curved configuration. Claim 3 has been canceled. Claims 1, 2 and 4 remain pending in this application. Claim 5 was previously canceled. No new matter has been added. Reconsideration of the present application is respectfully requested.

#### **Rejection of Claims 1-4 under 35 USC §112, second paragraph**

In the Office Action, the Examiner has rejected claims 1-4 for failing to particularly claim the subject matter regarded as the invention. Specifically, the Examiner states that “a seat where an armchair user is seated” appears that the Applicant is positively claims a “user.” The Applicant has deleted “where an armchair user is seated.” The Applicant has also amended claim 1 to clearly and positively specify the structure of the armchair. Therefore, withdrawal of the rejection is respectfully requested.

#### **Rejection of Claims 1-4 under 35 U.S.C. §102(b)**

In the Office Action, claims 1-4 were rejected under 35 U.S.C. §102(b) as being anticipated by Bidare (6,467,847).

Claim 1 has been amended to include that the armrest has a curved configuration. Accordingly, the Applicant asserts that claim 1 is patentable over the cited prior art. By reason of their dependency from independent claim 1, the Applicant asserts that claims 2 and 4 are also patentable over the cited references.

Applicant's invention describes an armchair having a seat, at least one arm rest, and a backrest. The armrest has a curved configuration, is folded between a substantially horizontal position and a substantially vertical position, and describes a downward trajectory when moved from the substantially horizontal position to the substantially vertical position. Also, the armrest, in its substantially vertical position, does not protrude frontally from the backrest.

Bidare does not teach an armrest having a curved configuration as specifically recited in claim 1. Bidare teaches an armrest with a straight configuration. It is therefore respectfully requested that the anticipation rejection of the claims under 35 U.S.C. §102(b) be withdrawn.

In the Office Action, claims 1-4 were rejected under 35 U.S.C. §102(b) as being anticipated by Freeman (3,807,799).

Claim 1 has been amended to include the arm rest has a curved configuration as specifically recited in claim 1. Accordingly, the Applicant asserts that claim 1 is patentable over the cited prior art. By reason of their dependency from independent claim 1, the Applicant asserts that claims 2 and 4 are also patentable over the cited prior art.

Freeman does not teach that the arm rest has a curved configuration as specifically recited in the claims. Freeman teaches an armrest with a straight configuration. Freeman also does not describe a downward trajectory (see dotted lines in Fig. 1) because first it must describe a rearward trajectory (position D). It is therefore respectfully requested that the anticipation rejection of the claims under 35 U.S.C. §102(b) be withdrawn.

**Conclusion**

In view of the above presented amendments and remarks, it is submitted that the Examiner's rejections have been overcome and should be removed. The Applicant believes that the present application should now be in condition for allowance. Reconsideration of the present application and claims is respectfully requested.

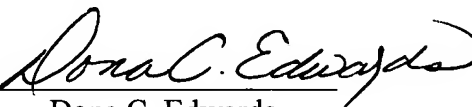
The Applicant notes that there is no indication that the drawings are acceptable. The Applicant respectfully requests that the Examiner provide indication that the drawings are accepted by the Examiner in the next formal communication.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

This Response to Office Action is being filed with a petition for a one-month extension. In the event that any other extensions and/or fees are required for the entry of this Response, the Patent and Trademark Office is specifically authorized to charge such fee to Deposit Account No. 50-0518 in the name of Steinberg & Raskin, P.C.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,  
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